

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FIDEL ZELEKE,

Plaintiff,

vs.

SP PLUS CORPORATION,

Defendant.

NO. 2:19-CV-00938-BJR

**STIPULATED MOTION AND ORDER
TO CONTINUE TRIAL DATE AND
RELATED DATES**

STIPULATION

The parties, Plaintiff Fidel Zeleke and Defendant SP Plus Corporation (“SP Plus”) by and through their respective counsel, respectfully and jointly request that certain dates on Order Setting Trial Date & Related Dates (Dkt. 15) and the trial date be continued as follows:

- Reports from expert witness under FRCP 26(a)(2) due continued from April 13, 2020, to July 12, 2020 (90-day continuance);
- Discovery completed by continued from May 13, 2020, to August 11, 2020 (90-day continuance);
- All dispositive motions must be filed by continued from June 12, 2020, to September 10, 2020 (90-day continuance);
- All motions *in limine* must be filed by continued from October 5, 2020, to January 3, 2021 (90-day continuance);
- Joint Pretrial Statement continued from October 13, 2020 to January 11, 2021;

STIPULATED MOTION FOR ORDER TO CONTINUE
TRIAL DATE AND RELATED DATES – PAGE 1
(No. 2:19-CV-00938-BJR)

**GORDON REES SCULLY
MANSUKHANI LLP**
701 5th Avenue, Suite 2100
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822

- Pretrial conference continued from October 26, 2020, to January 24, 2021 (90-day continuance); and
- Trial date continued from November 9, 2020, to February 8, 2021 (91-day continuance).

Good cause, as required by the Court's Order Setting Trial Date and Related Dates, exists for this continuance for the following reasons:

- On March 13, 2020, President Donald J. Trump proclaimed a national emergency due to the global outbreak of COVID-19, a novel coronavirus, under the U.S. Constitution, sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5);

- Courts, businesses, and borders have been shut down or are operating on a limited or restricted basis due to the COVID-19 pandemic, and stay-at-home orders and prohibitions on group gatherings are in effect for the State of Washington;

- On March 17, 2020, Chief United States District Judge Ricardo S. Martinez issued Emergency Order 20, which continues to govern the Court's operations, and which gave the Court discretion to amend scheduling orders as appropriate;

- The stay at home orders have impacted the parties' ability to travel to conduct depositions, which will take place in Seattle;

- The outbreak and related stay-at-home orders have significantly impacted the parties and counsel's schedules causing a need for a continuance, and counsel are willing to prepare a declaration to these facts if requested by the Court; and

- Counsel have conferred and agree on the above as required by the Court's Chambers Rules.

This is the parties' first request for a modification to the scheduling order to continue dates.

1 The parties have been diligent in their conduct of discovery prior to the aforementioned
2 events, and continue to make best efforts to do so. Defendant has propounded and received
3 Plaintiff's responses to discovery requests under Rules 33 and 34. Plaintiff has propounded and
4 is awaiting responses from Defendant to its discovery requests under Rules 33 and 34, which are
5 due May 13, 2020. The parties had not yet scheduled depositions prior to the pandemic, but were
6 about to do so when it struck;

7 The requested 90-day continuance of the scheduling order dates also contemplates that
8 the parties will continue to engage in ongoing settlement negotiations.

9 Pursuant to Fed. R. Civ. P. 11, Plaintiffs' and Defendants' counsel attest to these facts,
10 respectively, by their signatures below.

11 Accordingly, by this Joint Motion, the parties request that the above-listed dates be
12 continued as indicated.

13
14 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

15
16 DATED this 11th day of May 2020.

17 **GORDON REES SCULLY MANSUKHANI, LLP**

LAW OFFICE OF RODNEY MOODY

18
19 s/ Diana P. Danzberger
20 Sarah N. Turner, WSBA #37748
21 Diana P. Danzberger, WSBA #24818
22 Attorneys for Defendant SP Plus Corporation
23 701 5th Avenue, Suite 2100
24 Seattle, WA 98104
25 (206) 695-5100
sturner@grsm.com;
ddanzberger@grsm.com

s/ Rodney R. Moody
Rodney R. Moody, WSBA #17416
Attorney for Plaintiff Fidel Zeleke
2707 Colby Avenue, Suite 603
Everett, WA 98201
(425) 740-2940
rmooddy@rodneymoodylaw.com

ORDER

PURSUANT TO THE STIPULATION ABOVE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the parties' request for a continuance of the trial date and related dates is GRANTED.

DATED this 18th day of May, 2020.



THE HONORABLE BARBARA J. ROTHSTEIN
United States District Court Judge